

# **EXHIBIT 12**

**To  
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS  
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

**March 15, 2016**

**Case No. 14-CV-4391**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NICOLE HARRIS, )  
Plaintiff, )  
v. ) No. 14-cv-4391  
CITY OF CHICAGO; Chicago Police )  
Officers ROBERT BARTIK, )  
DEMOSTHENES BALODIMAS, ROBERT )  
CARDARO, JOHN J. DAY, JAMES M. )  
KELLY, ANTHONY NORADIN, and )  
RANDALL WO; Assistant Cook County )  
State's Attorneys ANDREA GROGAN )  
and LAWRENCE O'REILLY, and THE )  
COUNTY OF COOK, )  
Defendants. )

The video deposition of DEMOSTHENES  
BALODIMAS, called for examination pursuant to  
the Rules of Civil Procedure for the United  
States District Courts pertaining to the taking  
of depositions, taken before Tracy Jones, a  
Certified Shorthand Reporter within and for the  
County of Cook and State of Illinois, at 35 East  
Wacker Drive, Suite 3000, Chicago, Illinois, on  
November 16, 2015, at the hour of 10:05 o'clock a.m.

Reported by: Tracy Jones, CSR, RPR, CLR  
License No.: 084-004553



1 pre-2005 --

2 A. Yes.

3 Q. -- were accidental deaths?

4 A. Yes.

5 Q. So this was the first homicide -- This  
6 was the first case that evolved into a homicide  
7 investigation regarding the death of a child  
8 that you worked on?

9 A. Yes.

10 Q. What was your appointment date to CPD?

11 A. My appointment date?

12 Q. Mm-hmm. Yes.

13 A. 24 April 1981.

14 Q. And that was your first day at the  
15 academy?

16 A. Yes.

17 Q. Had you had any prior law enforcement  
18 experience?

19 A. No.

20 Q. After the -- How long were you at the  
21 academy?

22 A. 24 to 26 weeks.

23 Q. And what happened next? Where were you  
24 assigned?



1 Q. So you talked to Detective Noradin  
2 before you interviewed Ms. Harris; is that  
3 right?

4 A. Yes.

5 Q. What did he tell you?

6 A. I don't recall exactly what he told me.

7 Q. What led you to believe that it wasn't  
8 possible to have been an accident?

9 A. From where the child was found on the  
10 floor.

11 Q. Did Detective Noradin tell you that?

12 A. I don't recall who told me.

13 Q. You knew that before you talked to  
14 Ms. Harris?

15 A. I don't remember.

16 Q. At the time you first spoke to  
17 Ms. Harris, did you believe it could be an  
18 accident?

19 A. No. I didn't think it was an accident.

20 Q. Did you believe it could be an  
21 accident?

22 A. No.

23 Q. Why not?

24 A. I just don't -- just what I told you.



1 Q. I'm just --

2 A. From all the information I gathered. I  
3 don't -- I don't exactly remember what they told  
4 me, but the information I learned.

5 Q. So the time you first talked to  
6 Ms. Harris, you did not believe it could have  
7 been an accident because of the evidence you had  
8 about beating the child and something that  
9 Detective Noradin told you, but you don't  
10 remember what?

11 MR. KAMIONSKI: Objection: Asked and  
12 answered.

13 THE WITNESS: Yes.

14 BY MS. KLEIN:

15 Q. Did you know anything else before you  
16 talked to Ms. Harris about the case?

17 A. No.

18 Q. Did you listen to the 911 tapes?

19 A. You asked me that. No.

20 Q. Sorry.

21 Did you have any knowledge of any 911  
22 tapes?

23 A. No.

24 Q. Actually, I asked you if you listened



1 Q. Does it refresh your recollection as to  
2 anything else you did while you were at 2004  
3 North Laporte with Detective Landando?

4 A. I think I basically said everything  
5 that's on these GPRs.

6 Q. My question is just a little bit  
7 different. Does this help you remember anything  
8 else that you did at 2004 North Laporte with  
9 Detective Landando?

10 A. No.

11 Q. Okay. Have we discussed everything  
12 that you did at 2004 North Laporte with  
13 Detective Landando?

14 A. Yes.

15 Q. And you've told me everything you  
16 recall about that event?

17 A. Yes.

18 MR. CHANEN: I'm sorry. Was there an answer?

19 MS. KLEIN: Yes.

20 BY MS. KLEIN:

21 Q. And this GPR, Exhibit 2, accurately  
22 reflects everything you did at 2004 North  
23 Laporte?

24 A. Yes.



1 Q. So you didn't go to the laundromat  
2 after you left the apartment?

3 A. No.

4 Q. Did you at any time go to the  
5 laundromat?

6 A. No.

7 Q. Did you at any time go anywhere else to  
8 look for witnesses with regard to the Jaquari  
9 Dancy death investigation?

10 A. No.

11 Q. So what happened after you finished at  
12 2004 North Laporte? What did you do next?

13 A. Went back to Area 5.

14 Q. And what did you do there upon  
15 returning?

16 A. Met with Detective Tony Noradin.

17 Q. Was that the first time you talked to  
18 him with regard to this case?

19 A. I don't remember.

20 Q. Did you communicate back to Area 5  
21 while you were at 2004 North Laporte?

22 A. I don't recall.

23 Q. Did you communicate to any of the  
24 detectives working on the case from 2004 North



1 A. Correct.

2 Q. Were you present during that entire  
3 7:10 interview?

4 A. Yes.

5 Q. Were all the detectives present during  
6 that 7:10 interview?

7 A. The three of us, yes.

8 Q. Entered together and left together?

9 A. Yes.

10 Q. Were there other detectives working on  
11 the case at that point besides the three of you?

12 A. I don't know.

13 Q. When you testified earlier that you at  
14 some point had read Detective Wo's GPR regarding  
15 Diante Dancy's interview --

16 A. Yes.

17 Q. -- when did you do that?

18 A. Sometime during the investigation. I  
19 know I read it here also on the 2nd and 3rd when  
20 I got my packets.

21 Q. Do you believe you read it prior to  
22 interviewing Ms. Harris at 7:10 p.m.?

23 A. I don't know. I don't know when I read it.

24 Q. But you do believe reading it at some





1 BY MS. KLEIN:

2 Q. Have you ever observed an officer use  
3 excessive force?

4 A. No.

5 Q. Have you ever observed an officer  
6 engage in a false arrest?

7 A. No.

8 Q. Have you ever heard of an officer using  
9 excessive force?

10 A. Just through the media.

11 Q. Not through the CPD?

12 A. No.

13 Q. Have you ever heard of an officer  
14 falsely arrest someone?

15 A. No.

16 Q. Have you ever heard of an officer  
17 coercing a confession?

18 A. No.

19 Q. Have you ever heard of an officer  
20 fabricating a confession?

21 A. No.

22 Q. Have you ever -- Have you ever reported  
23 an officer for misconduct?

24 A. No.



1 Q. Have you ever been interviewed with  
2 regard to an officer's misconduct?

3 A. No.

4 Q. Have you ever testified against an  
5 officer?

6 A. Yes.

7 Q. In what -- Can you describe the  
8 circumstances?

9 A. There was an officer who stabbed his  
10 wife to death. I forgot what year that would  
11 be, 2000- -- 2009, 2010, somewhere around there,  
12 during a domestic altercation, I take it. And  
13 he subsequently got sentenced to, I don't know,  
14 I want to say 30 years, 25 years, somewhere  
15 around there, after trial.

16 Q. So you testified in your capacity as an  
17 investigating detective on that case?

18 A. Yes.

19 Q. Have you ever heard of other -- other  
20 officers testifying against officers for  
21 misconduct?

22 A. No.

23 Q. Have you ever heard of an officer being  
24 disciplined or terminated for engaging in



1 excessive force?

2 A. Sure. Yes.

3 Q. Describe the context, please.

4 A. It's just from the media, what I hear  
5 in the media.

6 Q. Media reports with regard to CPD?

7 A. Sure.

8 Q. But no discussions within CPD?

9 A. No.

10 Q. Have you ever heard of an officer being  
11 disciplined for a false arrest or terminated for  
12 a false arrest?

13 A. No.

14 Q. Have you ever heard of an officer being  
15 disciplined for fabricating a statement?

16 A. No.

17 Q. Terminated for fabricating a statement?

18 A. No.

19 Q. Have you heard of an officer  
20 disciplined for coercing a confession?

21 A. No.

22 Q. Have you heard of an officer terminated  
23 for coercing a confession?

24 A. No.



1 Q. Do you know of any cases where a  
2 Chicago Police officer was responsible for a  
3 wrongful conviction?

4 A. No.

5 Q. Have you ever been accused of falsely  
6 arresting someone?

7 A. No.

8 Q. Have you ever been accused of using  
9 excessive force?

10 A. I don't recall.

11 Q. Is there anything that would refresh  
12 your recollection?

13 A. I don't know. Do you have my complaint  
14 history? I don't -- I'm not going to guess. I  
15 don't recall.

16 Q. Okay. Have you ever been accused of  
17 saying something that wasn't true in an  
18 investigation?

19 A. I don't recall.

20 Q. Have you ever been accused of coercing  
21 a confession?

22 A. Other than this?

23 Q. Correct.

24 A. I don't recall.



1 Q. Do you write that with regard to every  
2 CR?

3 A. Yes.

4 Q. What does that mean?

5 A. That you're doing it because it's a  
6 direct order, and you're doing it under duress.

7 Q. Have you ever given any statement  
8 because you were threatened with consequences --  
9 with consequences if you didn't?

10 A. Well, yes. If you don't, you can get  
11 fired for refusing a direct order.

12 Q. Are you referring to CR statements,  
13 then?

14 A. Yes.

15 Q. Any other circumstances?

16 A. Not that I recall.

17 Q. Are you familiar with the term code of  
18 silence as it relates to the Chicago Police  
19 Department?

20 A. Am I familiar with it?

21 Q. Yes.

22 A. I don't understand your question, am I  
23 familiar with it.

24 Q. Have you heard that term used with



1 regard to the Chicago Police Department?

2 A. Yes.

3 Q. What do you understand it to mean?

4 A. Officers not telling on each other.

5 Q. Do you believe that to be true?

6 A. I don't know.

7 Q. I'm asking about your belief.

8 A. No, I don't.

9 Q. I'm sorry. I didn't understand.

10 A. No, I don't believe that to be true.

11 Q. You don't believe that to be true?

12 A. No.

13 Q. Have you ever discussed the code of  
14 silence within the police department?

15 A. No.

16 Q. Have you ever discussed officers not  
17 telling on each other amongst your fellow  
18 officers?

19 A. No.

20 MS. KLEIN: I have no further questions.

21 MR. KAMIONSKI: Kyle, questions?

22 MR. FLYNN: No questions.

23 MR. KAMIONSKI: I've got a few follow-ups.

